

1971—Pub. L. 91-644, title IV, §17, Jan. 2, 1971, 84 Stat. 1891, added item for chapter 18.

1970—Pub. L. 91-513, title III, §1101(b)(1)(B), Oct. 27, 1970, 84 Stat. 1292, struck out item for chapter 68 “Narcotics”.

Pub. L. 91-452, title IX, §901(b), title XI, §1102(b), Oct. 15, 1970, 84 Stat. 947, 959, added items for chapters 40 and 96.

1968—Pub. L. 90-351, title IV, §905, June 19, 1968, 82 Stat. 234, added item for chapter 44.

Pub. L. 90-321, title II, §202(b), May 29, 1968, 82 Stat. 162, added item for chapter 42.

Pub. L. 90-284, title I, §104(b), title X, §1002(b), Apr. 11, 1968, 82 Stat. 77, 92, added items for chapters 12 and 102.

1965—Pub. L. 89-141, §3, Aug. 28, 1965, 79 Stat. 581, added item for chapter 84.

1956—Act Aug. 1, 1956, ch. 825, §2(a), 70 Stat. 798, substituted “Animals, Birds, Fish, and Plants” for “Animals, Birds, and Fish” in item for chapter 3.

Act July 18, 1956, ch. 629, §202, 70 Stat. 575, added item for chapter 68.

Act July 14, 1956, ch. 595, §2, 70 Stat. 540, added item for chapter 2.

1949—Act May 24, 1949, ch. 139, §1, 63 Stat. 89, struck out “constituting crimes” in item for chapter 21, and added item for chapter 50.

CHAPTER 1—GENERAL PROVISIONS

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SENATE REVISION AMENDMENT

In the analysis of sections under this chapter heading, a new item, “14. Applicability to Canal Zone,” was inserted by Senate amendment, to follow underneath item 13, inasmuch as a new section 14, with such a catchline, was inserted, by Senate amendment, in this chapter. See Senate Report No. 1620, amendments Nos. 1 and 3, 80th Cong.

AMENDMENTS

1996—Pub. L. 104-191, title II, §241(b), Aug. 21, 1996, 110 Stat. 2016, which directed the amendment of the table of sections at the beginning of chapter 2 of this title by inserting item 24, was executed by inserting item 24 in the table of sections at the beginning of this chapter, to reflect the probable intent of Congress.

1994—Pub. L. 103-332, title XXXII, §§320910(b), 320914(b), Sept. 13, 1994, 108 Stat. 2127, 2128, added items 21 and 23.

1990—Pub. L. 101-647, title XXXV, §3504, Nov. 29, 1990, 104 Stat. 4921, substituted “defense” for “Defense” in item 17.

1989—Pub. L. 101-73, title IX, §962(e)(3), Aug. 9, 1989, 103 Stat. 504, added item 20.

1987—Pub. L. 100-185, §4(b), Dec. 11, 1987, 101 Stat. 1279, added item 19.

1986—Pub. L. 99-646, §§34(b), 38(b), Nov. 10, 1986, 100 Stat. 3599, renumbered item 20 as 17 and added item 18.

1984—Pub. L. 98-473, title II, §§218(b), 402(b), 1001(b), Oct. 12, 1984, 98 Stat. 2027, 2057, 2136, substituted “Repealed” for “Offenses classified” in item 1 and added items 16 and 20.

1970—Pub. L. 91-375, §6(j)(1), Aug. 12, 1970, 84 Stat. 777, inserted “United States” before “Postal Service” in item 12.

1962—Pub. L. 87-845, §3(b), Oct. 18, 1962, 76A Stat. 698, inserted “; definition” in item 14.

1958—Pub. L. 85-921, §4, Sept. 2, 1958, 72 Stat. 1771, added item 15.

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

Pub. L. 104-132, title VIII, §806, Apr. 24, 1996, 110 Stat. 1305, provided that:

“(a) ESTABLISHMENT.—There is established a commission to be known as the ‘Commission on the Advancement of Federal Law Enforcement’ (hereinafter in this section referred to as the ‘Commission’).

“(b) DUTIES.—The Commission shall review, ascertain, evaluate, report, and recommend action to the Congress on the following matters:

“(1) The Federal law enforcement priorities for the 21st century, including Federal law enforcement capability to investigate and deter adequately the threat of terrorism facing the United States.

“(2) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

“(3) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an interagency basis, including standards related to the use of deadly force.

“(4) The investigation and handling of specific Federal criminal law enforcement cases by the United States Government and the Federal law enforcement agencies therewith, selected at the Commission’s discretion.

“(5) The necessity for the present number of Federal law enforcement agencies and units.

“(6) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

“(7) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

“(8) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and to correct Federal law enforcement abuses.

“(9) The degree of coordination among law enforcement agencies in the area of international crime and the extent to which deployment of resources overseas diminishes domestic law enforcement.

“(10) The extent to which Federal law enforcement agencies coordinate with State and local law enforcement agencies on Federal criminal enforcement operations and programs that directly affect a State or local law enforcement agency’s geographical jurisdiction.

“(11) Such other related matters as the Commission deems appropriate.

“(c) MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.—

“(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed as follows:

“(A) 1 member appointed by the President pro tempore of the Senate.

“(B) 1 member appointed by the minority leader of the Senate.

“(C) 1 member appointed by the Speaker of the House of Representatives.

“(D) 1 member appointed by the minority leader of the House of Representatives.

“(E) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

“(2) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

“(3) TERMS.—Each member shall be appointed for the life of the Commission.

“(4) QUORUM.—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

“(5) MEETINGS.—The Commission shall meet at the call of the Chair of the Commission.

“(6) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

“(d) STAFFING AND SUPPORT FUNCTIONS.—

“(1) DIRECTOR.—The Commission shall have a director who shall be appointed by the Chair of the Commission.

“(2) STAFF.—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

“(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

“(e) POWERS.—

“(1) HEARINGS AND SESSIONS.—The Commission may, for the purposes of carrying out this Act [see Short Title of 1996 Amendments note set out under section 1 of this title and Tables], hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

“(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

“(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission, unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

“(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title [enacting section 3059B of this title and section 137 of Title 40, Public Buildings, Property, and Works, amending section 2703 of this title and section 3751 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 470 of this title, section 2201 of Title 15, Commerce and Trade, sections 509, 531, 533, 534, and 994 of Title 28, Judiciary and Judicial Procedure, and section 3721 of Title 42].

“(f) REPORT.—The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the Commission's recommendations for such actions as the Commission considers appropriate.

“(g) TERMINATION.—The Commission shall terminate 30 days after submitting the report required by this section.”

NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

Pub. L. 89-801, Nov. 8, 1966, 80 Stat. 1516, as amended by Pub. L. 91-39, July 8, 1969, 83 Stat. 44, provided for the establishment of the National Commission on Reform of Federal Criminal Laws, its membership, duties, compensation of the members, the Director, and the staff of the Commission, established the Advisory Committee on Reform of Federal Criminal Laws, required the Commission to submit interim reports to the President and the Congress and to submit a final report within four years from Nov. 8, 1966, and further provided that the Commission shall cease to exist sixty days after the submission of the final report.

EX. ORD. NO. 11396. COORDINATION BY ATTORNEY GENERAL OF FEDERAL LAW ENFORCEMENT AND CRIME PREVENTION PROGRAMS

Ex. Ord. No. 11396, Feb. 7, 1968, 33 F.R. 2689, provided: WHEREAS the problem of crime in America today presents the Nation with a major challenge calling for maximum law enforcement efforts at every level of Government;

WHEREAS coordination of all Federal Criminal law enforcement activities and crime prevention programs is desirable in order to achieve more effective results;

WHEREAS the Federal Government has acknowledged the need to provide assistance to State and local law enforcement agencies in the development and administration of programs directed to the prevention and control of crime;

WHEREAS to provide such assistance the Congress has authorized various departments and agencies of the Federal Government to develop programs which may benefit State and local efforts directed at the prevention and control of crime, and the coordination of such programs is desirable to develop and administer them most effectively; and

WHEREAS the Attorney General, as the chief law officer of the Federal Government, is charged with the responsibility for all prosecutions for violations of the Federal criminal statutes and is authorized under the Law Enforcement Assistance Act of 1965 (79 Stat. 828) [formerly set out as a note preceding section 3001 of this title] to cooperate with and assist State, local, or other public or private agencies in matters relating to law enforcement organization, techniques and practices, and the prevention and control of crime.

NOW, THEREFORE, by virtue of the authority vested in the President by the Constitution and laws of the United States, it is ordered as follows:

SECTION 1. The Attorney General is hereby designated to facilitate and coordinate (1) the criminal law enforcement activities and crime prevention programs of all Federal departments and agencies, and (2) the activities of such departments, and agencies relating to the development and implementation of Federal programs which are designed, in whole or in substantial part, to assist State and local law enforcement agencies and crime prevention activities. The Attorney General may promulgate such rules and regulations and take such actions as he shall deem necessary or appropriate to carry out his functions under this Order.

SEC. 2. Each Federal department and agency is directed to cooperate with the Attorney General in the performance of his functions under this Order and shall, to the extent permitted by law and within the limits of available funds, furnish him such reports, information, and assistance as he may request.

LYNDON B. JOHNSON.

EXECUTIVE ORDER NO. 11534

Ex. Ord. No. 11534, June 4, 1970, 35 F.R. 8865, which related to the National Council on Organized Crime, was revoked by Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

[§ 1. Repealed. Pub. L. 98–473, title II, § 218(a)(1), Oct. 12, 1984, 98 Stat. 2027]

Section, acts June 25, 1948, ch. 645, 62 Stat. 684; Oct. 30, 1984, Pub. L. 98–596, § 8, 98 Stat. 3138, classified offenses as a felony, misdemeanor, or petty offense.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal, see section 235(a)(1) of Pub. L. 98–473, set out as an Effective Date note under section 3551 of this title.

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105–314, § 1(a), Oct. 30, 1998, 112 Stat. 2974, provided that: “This Act [see Tables for classification] may be cited as the ‘Protection of Children From Sexual Predators Act of 1998’.”

Pub. L. 105–184, § 1, June 23, 1998, 112 Stat. 520, provided that: “This Act [amending sections 709, 982, 2326, 2327, and 2703 of this title and enacting provisions set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Telemarketing Fraud Prevention Act of 1998’.”

SHORT TITLE OF 1996 AMENDMENTS

Pub. L. 104–294, § 1, Oct. 11, 1996, 110 Stat. 3488, provided that: “This Act [see Tables for classification] may be cited as the ‘Economic Espionage Act of 1996’.”

Pub. L. 104–132, § 1, Apr. 24, 1996, 110 Stat. 1214, provided that: “This Act [see Tables for classification] may be cited as the ‘Antiterrorism and Effective Death Penalty Act of 1996’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–322, title X, § 100001, Sept. 13, 1994, 108 Stat. 1996, provided that: “This title [amending section 13 of this title and section 3751 of Title 42, The Public Health and Welfare] may be cited as the ‘Drunk Driving Child Protection Act of 1994’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–647, § 1, Nov. 29, 1990, 104 Stat. 4789, provided that: “This Act [see Tables for classification] may be cited as the ‘Crime Control Act of 1990’.”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–690, title VII, § 7011, Nov. 18, 1988, 102 Stat. 4395, provided that: “This subtitle [subtitle B (§§ 7011–7096) of title VII of Pub. L. 100–690, see Tables for classification] may be cited as the ‘Minor and Technical Criminal Law Amendments Act of 1988’.”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100–185, § 1, Dec. 11, 1987, 101 Stat. 1279, provided that: “This Act [enacting section 19 of this title, amending sections 18, 3013, 3559, 3571, 3572, 3573, 3611, 3612, and 3663 of this title and section 604 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under section 3611 of this title] may be cited as the ‘Criminal Fine Improvements Act of 1987’.”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99–646, § 1, Nov. 10, 1986, 100 Stat. 3592, provided that: “This Act [see Tables for classification] may be cited as the ‘Criminal Law and Procedure Technical Amendments Act of 1986’.”

SHORT TITLE OF 1984 AMENDMENT

Section 200 of title II (§§ 200–2304) of Pub. L. 98–473 provided that: “This title [see Tables for classification]

may be cited as the ‘Comprehensive Crime Control Act of 1984’.”

SEVERABILITY

Pub. L. 104–132, title IX, § 904, Apr. 24, 1996, 110 Stat. 1319, provided that: “If any provision of this Act [see Short Title of 1996 Amendments note above], an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.”

§ 2. Principals

(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

(June 25, 1948, ch. 645, 62 Stat. 684; Oct. 31, 1951, ch. 655, § 17b, 65 Stat. 717.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 550 (Mar. 4, 1909, ch. 321, § 332, 35 Stat. 1152).

Section 2(a) comprises section 550 of title 18, U.S.C., 1940 ed., without change except in minor matters of phraseology.

Section 2(b) is added to permit the deletion from many sections throughout the revision of such phrases as “causes or procures”.

The section as revised makes clear the legislative intent to punish as a principal not only one who directly commits an offense and one who “aids, abets, counsels, commands, induces or procures” another to commit an offense, but also anyone who causes the doing of an act which if done by him directly would render him guilty of an offense against the United States.

It removes all doubt that one who puts in motion or assists in the illegal enterprise but causes the commission of an indispensable element of the offense by an innocent agent or instrumentality, is guilty as a principal even though he intentionally refrained from the direct act constituting the completed offense.

This accords with the following decisions: *Rothenburg v. United States*, 1918, 38 S. Ct. 18, 245 U.S. 480, 62 L. Ed. 414, and *United States v. Hodorowicz*, C. C. A. III, 1939, 105 F. 2d 218, certiorari denied, 60 S. Ct. 108, 308 U.S. 584, 84 L. Ed. 489. *United States v. Giles*, 1937, 57 S. Ct. 340, 300 U.S. 41, 81 L. Ed. 493, rehearing denied, 57 S. Ct. 505, 300 U.S. 687, 81 L. Ed. 888.

AMENDMENTS

1951—Subsec. (a). Act Oct. 31, 1951, inserted “punishable as”.

Subsec. (b). Act Oct. 31, 1951, inserted “willfully” before “causes”, and “or another” after “him”, and substituted “is punishable as a principal” for “is also a principal and punishable as such”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1962 of this title; title 21 sections 848, 854; title 50 section 422.

§ 3. Accessory after the fact

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact

shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

(June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 99-646, § 43, Nov. 10, 1986, 100 Stat. 3601; Pub. L. 101-647, title XXXV, § 3502, Nov. 29, 1990, 104 Stat. 4921; Pub. L. 103-322, title XXXIII, §§ 330011(h), 330016(2)(A), Sept. 13, 1994, 108 Stat. 2145, 2148.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 551 (Mar. 4, 1909, ch. 321, § 333, 35 Stat. 1152).

The first paragraph is new. It is based upon authority of *Skelly v. United States* (C. C. A. Okl. 1935, 76 F. 2d 483, certiorari denied, 1935, 55 S. Ct. 914, 295 U.S. 757, 79 L. Ed. 1699), where the court defined an accessory after the fact as—

one who knowing a felony to have been committed by another, receives, relieves, comforts, or assists the felon in order to hinder the felon's apprehension, trial, or punishment—

and cited Jones' Blackstone, books 3 and 4, page 2204; *U.S. v. Hartwell* (Fed. Cas. No. 15,318); *Albritton v. State* (32 Fla. 358, 13 So. 955); *State v. Davis* (14 R. I. 281); *Schleeter v. Commonwealth* (218 Ky. 72, 290 S. W. 1075). (See also *State v. Potter*, 1942, 221 N. C. 153, 19 S. E. 2d 257; *Hunter v. State*, 1935, 128 Tex. Cr. R. 191, 79 S. W. 2d 855; *State v. Wells*, 1940, 195 La. 754, 197 So. 419.)

The second paragraph is from section 551 of title 18, U.S.C., 1940 ed. Here only slight changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322, § 330016(2)(A), inserted “(notwithstanding section 3571)” before “fined not more than one-half” in second par.

Pub. L. 103-322, § 330011(h), amended directory language of Pub. L. 101-647, § 3502. See 1990 Amendment note below.

1990—Pub. L. 101-647, as amended by Pub. L. 103-322, § 330011(h), substituted “15 years” for “ten years” in second par.

1986—Pub. L. 99-646 inserted “life imprisonment or” in second par.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(h) of Pub. L. 103-322 provided that the amendment made by that section is effective as of Nov. 29, 1990.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2332b of this title.

§ 4. Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C. 1940 ed., § 251 (Mar. 4, 1909, ch. 321, § 146, 35 Stat. 1114).

Changes in phraseology only.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

CROSS REFERENCES

Concealing escaped prisoners, see section 1072 of this title.

Concealing or harboring persons engaged in espionage, see section 792 of this title.

Concealing persons from arrest, see section 1071 of this title.

Harboring fugitives from justice, see section 1071 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 422.

§ 5. United States defined

The term “United States”, as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.

(June 25, 1948, ch. 645, 62 Stat. 685.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 39, 133, 346, 381, 502, and 632, and section 40 of title 50, U.S.C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231).

Section consolidates the first sentence of section 39, all of sections 133, 346, and 632, and the second sentences, respectively, of sections 381 and 502, all of title 18, U.S.C., 1940 ed., and section 40 of title 50, U.S.C., 1940 ed., War and National Defense, with minor changes in phraseology.

All of these sections and parts of sections were derived from section 1 of title XIII of said act of June 15, 1917. Said section 40 of title 50, U.S.C., War and National Defense, has also been retained in that title, as it still relates to some sections therein which were not transferred to this title.

The remainder of said section 39 of title 18, U.S.C., 1940 ed., which was derived from sections 2, 3, and 4 of title XIII of the act of June 15, 1917, relating to jurisdiction and other matters, is almost entirely obsolete. The provisions still in force are incorporated in section 3241 of this title.

The remaining provisions of said sections 381 and 502 of title 18, U.S.C., 1940 ed., which were derived from sources other than said section 1 of title XIII of the act of June 15, 1917, are incorporated in sections 1364 and 2275 of this title.

SENATE REVISION AMENDMENT

Words “, except the Canal Zone.” were substituted for the period in this section by Senate amendment. See Senate Report No. 1620, amendment No. 2, 80th Cong.

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Inter-course.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 112, 878, 1116, 1201, 2340 of this title.

§ 6. Department and agency defined

As used in this title:

The term “department” means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

The term “agency” includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.

(June 25, 1948, ch. 645, 62 Stat. 685.)

HISTORICAL AND REVISION NOTES

This section defines the terms “department” and “agency” of the United States. The word “department” appears 57 times in title 18, U.S.C., 1940 ed., and the word “agency” 14 times. It was considered necessary to define clearly these words in order to avoid possible litigation as to the scope or coverage of a given section containing such words. (See *United States v. Germaine*, 1878, 99 U.S. 508, 25 L. Ed. 482, for definition of words “department” or “head of department.”)

The phrase “corporation in which the United States has a proprietary interest” is intended to include those governmental corporations in which stock is not actually issued, as well as those in which stock is owned by the United States. It excludes those corporations in which the interest of the Government is custodial or incidental.

REFERENCES IN TEXT

Section 1 of Title 5, referred to in text, was repealed by Pub. L. 89-554, § 8, Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as section 101 of Title 5, Government Organization and Employees.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 12 section 1821.

§ 7. Special maritime and territorial jurisdiction of the United States defined

The term “special maritime and territorial jurisdiction of the United States”, as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any

place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

(5) Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, district, or possession thereof, while such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(6) Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space, while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard.

(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.

(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.

(June 25, 1948, ch. 645, 62 Stat. 685; July 12, 1952, ch. 695, 66 Stat. 589; Pub. L. 97-96, § 6, Dec. 21, 1981, 95 Stat. 1210; Pub. L. 98-473, title II, § 1210, Oct. 12, 1984, 98 Stat. 2164; Pub. L. 103-322, title XII, § 120002, Sept. 13, 1994, 108 Stat. 2021.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 451 (Mar. 4, 1909, ch. 321, § 272, 35 Stat. 1142; June 11, 1940, ch. 323, 54 Stat. 304).

The words “The term ‘special maritime and territorial jurisdiction of the United States’ as used in this title includes:” were substituted for the words “The crimes and offenses defined in sections 451-468 of this title shall be punished as herein prescribed.”

This section first appeared in the 1909 Criminal Code. It made it possible to combine in one chapter all the penal provisions covering acts within the admiralty and maritime jurisdiction without the necessity of repeating in each section the places covered.

The present section has made possible the allocation of the diverse provisions of chapter 11 of Title 18, U.S.C., 1940 ed., to particular chapters restricted to particular offenses, as contemplated by the alphabetical chapter arrangement.

In several revised sections of said chapter 11 the words “within the special maritime and territorial jurisdiction of the United States” have been added. Thus the jurisdictional limitation will be preserved in all sections of said chapter 11 describing an offense.

Enumeration of names of Great Lakes was omitted as unnecessary.

Other minor changes were necessary now that the section defines a term rather than the place of commission of crime or offense; however, the extent of the special jurisdiction as originally enacted has been carefully followed.

AMENDMENTS

1994—Par. (8). Pub. L. 103-322 added par. (8).

1984—Par. (7). Pub. L. 98-473 added par. (7).

1981—Par. (6). Pub. L. 97-96 added par. (6).

1952—Par. (5). Act July 12, 1952, added par. (5).

TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION

Pub. L. 104-132, title IX, §901(a), Apr. 24, 1996, 110 Stat. 1317, provided that: “The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988 [set out as a note under section 1331 of Title 43, Public Lands], for purposes of Federal criminal jurisdiction is part of the United States, subject to its sovereignty, and is within the special maritime and territorial jurisdiction of the United States for the purposes of title 18, United States Code.”

CROSS REFERENCES

Laws of States adopted for areas within Federal jurisdiction, see section 13 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13, 112, 878, 1116, 1201, 2334, 2340 of this title; title 15 sections 1175, 1243, 1245; title 16 section 3372; title 48 sections 1912, 1934; title 49 section 46506.

§ 8. Obligation or other security of the United States defined

The term “obligation or other security of the United States” includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any Act of Congress, and canceled United States stamps.

(June 25, 1948, ch. 645, 62 Stat. 685.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §261 (Mar. 4, 1909, ch. 321, §147, 35 Stat. 1115; Jan. 27, 1938, ch. 10, §3, 52 Stat. 7).

The terms of this section were general enough to justify its inclusion in this chapter rather than retaining it in the chapter on “Counterfeiting” where the terms which it specifically defines are set out in sections 471-476, 478, 481, 483, 492, and 504 of this title.

Words “Federal Reserve notes, Federal Reserve bank notes” were inserted before “coupons” because such notes have almost supplanted national bank currency.

Minor changes were made in phraseology.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

CROSS REFERENCES

Connecting parts of different notes, see section 484 of this title.

Contraband articles, application to, see section 80302 of Title 49, Transportation.

Dealing in counterfeit obligations or securities, see section 473 of this title.

Embezzlement and theft of tools and materials for counterfeiting purposes, see section 642 of this title.

Falsely making, forging, counterfeiting or altering obligation or security, see section 471 of this title.

Forfeiture of counterfeit paraphernalia, see section 492 of this title.

Imitating obligations or securities; advertisements, see section 475 of this title.

Plates or stones for counterfeiting obligations or securities, see section 474 of this title.

Possessing or selling impressions of tools used for obligations or securities, see section 477 of this title.

Taking impressions of tools used for obligations or securities, see section 476 of this title.

Transportation, sale or receipt of stolen securities, application to “obligation or other security of the United States,” see sections 2314, 2315 of this title.

Uttering counterfeit obligations or securities, see section 472 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 2024; title 49 section 80302.

§ 9. Vessel of the United States defined

The term “vessel of the United States”, as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

(June 25, 1948, ch. 645, 62 Stat. 685.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §501 (Mar. 4, 1909, ch. 321, §310, 35 Stat. 1148).

Section is made applicable to the entire title rather than to sections 481 et seq. of title 18, U.S.C., 1940 ed.

Minor changes in phraseology were made.

CROSS REFERENCES

Vessel as involving liquor traffic violations, see section 3667 of this title.

§ 10. Interstate commerce and foreign commerce defined

The term “interstate commerce”, as used in this title, includes commerce between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

The term “foreign commerce”, as used in this title, includes commerce with a foreign country.

(June 25, 1948, ch. 645, 62 Stat. 686.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§408, 408b, 414(a), and 419a(b) (Oct. 29, 1919, ch. 89, §2(b), 41 Stat. 325; June 22, 1932, ch. 271, §2, 47 Stat. 326; May 18, 1934, ch. 301, 48 Stat. 782; May 22, 1934, ch. 333, §2(a), 48 Stat. 794; Aug. 18, 1941, ch. 366, §2(b), 55 Stat. 631).

This section consolidates into one section identical definitions contained in sections 408, 408b, 414(a), and 419a(b) of title 18, U.S.C., 1940 ed.

In addition to slight improvements in style, the word “commerce” was substituted for “transportation” in order to avoid the narrower connotation of the word “transportation” since “commerce” obviously includes more than “transportation.” The word “Possession” was inserted in two places to make the definition more accurate and comprehensive since the places included

in the word “Possession” would normally be within the term defined and a narrower construction should be handled by express statutory exclusion in those crimes which Congress intends to restrict to commerce within the continental United States.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

§ 11. Foreign government defined

The term “foreign government”, as used in this title except in sections 112, 878, 970, 1116, and 1201, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 94-467, § 11, Oct. 8, 1976, 90 Stat. 2001.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 98, 288, 349; section 235 of title 22 U.S.C., 1940 ed., Foreign Relations and Intercourse; section 41 of title 50, U.S.C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226).

The definition of “foreign government” contained in this section, with minor changes in phraseology, is from section 4 of title VIII of act June 15, 1917 (Ch. 30, 40 Stat. 217, 226), known as the Espionage Act of 1917. This definition was incorporated in sections 98, 288, and 349 of title 18 and in section 235 of title 22, Foreign Relations and Intercourse, and in section 41 of Title 50, War and National Defense, U.S.C., all in 1940 ed., since the definition was specifically enacted with reference to said sections and others not material here.

The remaining provisions of said sections 98 and 349 of title 18, U.S.C., 1940 ed., which were derived from sources other than said section 4 of title VIII of the act of June 15, 1917, are incorporated in sections 502 and 957 of this title.

AMENDMENTS

1976—Pub. L. 94-467 inserted “except in sections 112, 878, 970, 1116, and 1201” after “title”.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

FEDERAL RULES OF CRIMINAL PROCEDURE

Foreign relations, etc., grounds for issuance of search warrant, see rule 41, Appendix to this title.

Subpoena, circumstances and manner of service abroad, see rule 17.

Witnesses in foreign country, nonapplicability of rules to proceedings against witness, see rule 54.

CROSS REFERENCES

Extradition, certification of amounts to be paid by foreign government on account of fees and costs, see section 3195 of this title.

Foreign relations generally, see section 951 et seq. of this title.

Transportation, sale or receipt of stolen securities, application to obligations of foreign government, see sections 2314, 2315 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

§ 12. United States Postal Service defined

As used in this title, the term “Postal Service” means the United States Postal Service established under title 39, and every officer and employee of that Service, whether or not such officer or employee has taken the oath of office.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 91-375, § 6(j)(2), Aug. 12, 1970, 84 Stat. 777; Pub. L. 101-647, title XXXV, § 3505, Nov. 29, 1990, 104 Stat. 4921.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 301, 360 (Mar. 4, 1909, ch. 321, §§ 230, 231, 35 Stat. 1134).

This section consolidates sections 301 and 360 of title 18, U.S.C., 1940 ed., with necessary changes in phraseology.

AMENDMENTS

1990—Pub. L. 101-647 substituted “whether or not such officer or employee has taken the oath of office” for “whether he has taken the oath of office”.

1970—Pub. L. 91-375 inserted “United States” before “Postal Service” in section catchline and substituted in text as definition of “Postal Service” the United States Postal Service established under title 39, and every officer and employee of that Service, whether he has taken the oath of office, for prior definition which included the Post Office Department and every employee, thereof, whether or not he has taken the oath of office.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

CROSS REFERENCES

United States Postal Service, see Title 39, Postal Service.

§ 13. Laws of States adopted for areas within Federal jurisdiction

(a) Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(b)(1) Subject to paragraph (2) and for purposes of subsection (a) of this section, that which may or shall be imposed through judicial or administrative action under the law of a State, territory, possession, or district, for a conviction for operating a motor vehicle under the influence of a drug or alcohol, shall be considered to be a punishment provided by that law. Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the special maritime and territorial jurisdiction of the United States.

(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious

bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine under this title, or both, if—

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

(B) For the purposes of subparagraph (A), the term “minor” means a person less than 18 years of age.

(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed, for purposes of subsection (a), to lie within the area of the State, Commonwealth, territory, possession, or district that it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 100-690, title VI, § 6477(a), Nov. 18, 1988, 102 Stat. 4381; Pub. L. 103-322, title X, § 100002, Sept. 13, 1994, 108 Stat. 1996; Pub. L. 104-132, title IX, § 901(b), Apr. 24, 1996, 110 Stat. 1317; Pub. L. 104-294, title VI, § 604(b)(32), Oct. 11, 1996, 110 Stat. 3508.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 468 (Mar. 4, 1909, ch. 321, § 289, 35 Stat. 1145; June 15, 1933, ch. 85, 48 Stat. 152; June 20, 1935, ch. 284, 49 Stat. 394; June 6, 1940, ch. 241, 54 Stat. 234).

Act March 4, 1909, § 289 used the words “now in force” when referring to the laws of any State, organized Territory or district, to be considered in force.

As amended on June 15, 1933, the words “by the laws thereof in force on June 1, 1933, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal,” were used.

The amendment of June 20, 1935, extended the date to “April 1, 1935,” and the amendment of June 6, 1940, extended the date to “February 1, 1940”.

The revised section omits the specification of any date as unnecessary in a revision, which speaks from the date of its enactment. Such omission will not only make effective within Federal reservations, the local State laws in force on the date of the enactment of the revision, but will authorize the Federal courts to apply the same measuring stick to such offenses as is applied in the adjoining State under future changes of the State law and will make unnecessary periodic pro forma amendments of this section to keep abreast of changes of local laws. In other words, the revised section makes applicable to offenses committed on such reservations, the law of the place that would govern if the reservation had not been ceded to the United States.

The word “Possession” was inserted to clarify scope of section.

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-132, § 901(b)(1), inserted “or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of

any State, Commonwealth, territory, possession, or district” after “section 7 of this title.”.

Subsec. (b)(2)(A). Pub. L. 104-294 substituted “under this title” for “of not more than \$1,000”.

Subsec. (c). Pub. L. 104-132, § 901(b)(2), added subsec. (c).

1994—Subsec. (b). Pub. L. 103-322 designated existing provisions as par. (1), substituted “Subject to paragraph (2) and for purposes” for “For purposes”, and added par. (2).

1988—Pub. L. 100-690 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 604(d) of Pub. L. 104-294 provided that: “The amendments made by this section [amending this section, sections 36, 112, 113, 241, 242, 245, 351, 511, 542, 544, 545, 668, 704, 709, 794, 1014, 1030, 1112, 1169, 1512, 1515, 1516, 1751, 1956, 1961, 2114, 2311, 2339A, 2423, 2511, 2512, 2721, 3059A, 3561, 3582, 3592, and 5037 of this title, section 802 of Title 21, Food and Drugs, sections 540A and 991 of Title 28, Judiciary and Judicial Procedure, and sections 3631, 5633, 10604, and 14011 of Title 42, The Public Health and Welfare, and amending provisions set out as notes under sections 1001, 1169, and 2325 of this title and section 994 of Title 28] shall take effect on the date of enactment of Public Law 103-322 [Sept. 13, 1994].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3013, 3551 of this title.

§ 14. Applicability to Canal Zone; definition

(a) In addition to the sections of this title which by their terms apply to and within the Canal Zone, the following sections of this title, as amended from time to time, apply to and within the Canal Zone: 6, 8, 11, 201, 202, 203, 205, 207, 208, 209, 210, 211, 218, 287, 331, 371, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 505, 506, 507, 508, 509, 594, 595, 598, 600, 601, 604, 605, 703, 752, 755, 756, 792, 793, 794, 795, 796, 797, 798, 798A, 799, 915, 917, 951, 953, 954, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 1001, 1017, 1024, 1073, 1301, 1364, 1381, 1382, 1542, 1543, 1544, 1546, 1584, 1621, 1622, 1761, 1821, 1991, 2151, 2152, 2153, 2154, 2155, 2156, 2157,¹ 2199, 2231, 2234, 2235, 2274, 2275, 2277, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, 2421, 2422, 2423, 2424, 3042, 3059, 3105, 3109, 3187, 3195, 3500.

(b) The term “Canal Zone”, as used in the sections of this title which by their terms apply to and within the Canal Zone, and as used in subsection (a) of this section, includes the area designated as the Canal Zone by sections 1 and 2 of Title 2, Canal Zone Code; and it also includes the corridor over which the United States of America exercises jurisdiction pursuant to the provisions of Article IX of the General Treaty of Friendship and Cooperation between the United States of America and the Republic of Panama, signed March 2, 1936, to the extent that the application, to the corridor, of the sections mentioned in this subsection, and of those specified in subsection (a) of this section, is consistent with the nature of the rights of the United States in the corridor as provided by treaty.

(c) The definitions of the terms prescribed by sections 5 and 10, or other sections of this title, are modified to effectuate the applicability of the sections enumerated by subsection (a) of this section to and within the Canal Zone.

¹ See References in Text note below.

(June 25, 1948, ch. 645, 62 Stat. 686; Aug. 5, 1953, ch. 325, 67 Stat. 366; Pub. L. 87-845, §3(a), Oct. 18, 1962, 76A Stat. 698; Pub. L. 90-357, §59, June 22, 1968, 82 Stat. 248; Pub. L. 101-647, title XXXV, §3519(c), Nov. 29, 1990, 104 Stat. 4923; Pub. L. 103-322, title XXXIII, §330010(9), Sept. 13, 1994, 108 Stat. 2143.)

SENATE REVISION AMENDMENT

This amendment, adding a new section 14, together with amended section 5 will clarify the applicability of Federal criminal statutes within the Canal Zone. It was particularly desired by the Governor of the Canal Zone and the compiler of the Canal Zone Code. The Governor of the Canal Zone, in a letter dated September 22, 1945, and filed with the House Judiciary Committee, advised:

"General criminal laws of the United States are now applicable to the Canal Zone only if applicability is indicated by language expressly referring to the Canal Zone, or to possessions of the United States, or to territory subject to the jurisdiction of the United States, etc. * * * The bill in its present form would have undesirable effects insofar as concerns the continued operation of the Canal Zone Criminal Code and Code of Criminal Procedure, established by Congress as titles 5 and 6 of the Canal Zone Code, enacted by act of June 19, 1934 (ch. 667, 48 Stat. 1122), and also would perhaps have undesirable effects insofar as concerns the continued applicability to the Canal Zone of the body of general criminal laws which are now applicable."

REFERENCES IN TEXT

Among the sections of this title, referred to in text, as being by their terms applicable to and within the Canal Zone are: section 1261 making Liquor Traffic provisions of sections 1261 to 1265 inapplicable to Canal Zone; section 3183, relating to extradition of fugitives from state, territory or possession into Canal Zone; sections 3241 relating to jurisdiction of offenses under certain sections; sections 3771 and 3772, relating to power of Supreme Court to prescribe rules of procedure in a criminal case to and including the verdict and after the verdict.

Section 2157 of this title, referred to in subsec. (a), was repealed by Pub. L. 103-322, title XXXIII, §330004(13), Sept. 13, 1994, 108 Stat. 2142.

The Canal Zone Code, referred to in subsec. (b), was enacted by Pub. L. 87-845, §1, Oct. 18, 1962, 76A Stat. 1, redesignated the Panama Canal Code by Pub. L. 96-70, title III, §3303(b), Sept. 27, 1979, 93 Stat. 499, and repealed by Pub. L. 104-201, div. C, title XXXV, §3549, Sept. 23, 1996, 110 Stat. 2870.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 struck out "45," after "11," and "608, 611, 612," after "605,".

1990—Subsec. (a). Pub. L. 101-647 substituted "798, 798A, 799" for "798, as added by section 24(a) of the Act of October 31, 1951 (chapter 655, 65 Stat. 719), 798, as added by section 4 of the Act of June 30, 1953 (chapter 175, 67 Stat. 133), 799".

1968—Subsec. (a). Pub. L. 90-357 inserted "as amended from time to time," after "title" and before "apply", included references in sections 203, 205, 207, 208, 209, 210, 211, and 218, and struck out reference to section 1914.

1962—Pub. L. 87-845 inserted "definition" in section catchline, designated existing provisions of section as subsec. (a) and included references to sections 45, 201, 202, 287, 471, 473, 475, 476, 477, 484, 486, 487, 490 to 498, 505, 507 to 509, 752, 755, 798 as added by act of Oct. 31, 1951, 798 as added by act of June 30, 1953, 799, 1001, 1024, 1381, 1991, 2157, 2381 to 2383, 2387, 3042, 3187 and 3195, struck out references to sections 502, 791 and 1362, and added subsecs. (b) and (c).

1953—Act Aug. 5, 1953, inserted "1362" after "1301".

EFFECTIVE DATE OF 1962 AMENDMENT

Section 25 of Pub. L. 87-845 provided that: "This Act [enacting section 4210 of this title and section 858 of

Title 50, War and National Defense, and amending this section, section 1934 of Title 22, Foreign Relations and Intercourse, section 196 of Title 24, Hospitals and Asylums, sections 414, 547, 1404, and 1406 of Title 28, Judiciary and Judicial Procedure, and sections 191a and 191b of Title 50] takes effect January 2, 1963. Laws enacted after January 9, 1962, that are inconsistent with this Act, supersede it to the extent of the inconsistency."

FEDERAL RULES OF CRIMINAL PROCEDURE

Applicability of rules, see rule 54, Appendix to this title.

CROSS REFERENCES

Extradition of fugitives from Canal Zone into extra-territorial jurisdiction of United States, see section 3183 of this title.

Liquor traffic provisions inapplicable to Canal Zone, see section 1261 of this title.

Term United States as not including Canal Zone, see section 5 of this title.

§ 15. Obligation or other security of foreign government defined

The term "obligation or other security of any foreign government" includes, but is not limited to, uncanceled stamps, whether or not demone-tized.

(Added Pub. L. 85-921, §3, Sept. 2, 1958, 72 Stat. 1771.)

§ 16. Crime of violence defined

The term "crime of violence" means—

(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(Added Pub. L. 98-473, title II, §1001(a), Oct. 12, 1984, 98 Stat. 2136.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3181, 3663A of this title; title 8 sections 1101, 1227; title 20 section 1232g; title 21 section 841; title 40 sections 212a, 212a-3; title 42 sections 1437f, 13981, 14503.

§ 17. Insanity defense

(a) **AFFIRMATIVE DEFENSE.**—It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

(b) **BURDEN OF PROOF.**—The defendant has the burden of proving the defense of insanity by clear and convincing evidence.

(Added Pub. L. 98-473, title II, §402(a), Oct. 12, 1984, 98 Stat. 2057, §20; renumbered §17, Pub. L. 99-646, §34(a), Nov. 10, 1986, 100 Stat. 3599.)

§ 18. Organization defined

As used in this title, the term "organization" means a person other than an individual.

(Added Pub. L. 99-646, §38(a), Nov. 10, 1986, 100 Stat. 3599; amended Pub. L. 100-185, §4(c), Dec. 11, 1987, 101 Stat. 1279; Pub. L. 100-690, title VII, §7012, Nov. 18, 1988, 102 Stat. 4395.)

AMENDMENTS

1988—Pub. L. 100-690 made technical correction of directory language of Pub. L. 99-646, §38(a), similar to that made by Pub. L. 100-185.

1987—Pub. L. 100-185 made technical correction in directory language of Pub. L. 99-646, §38(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 976.

§ 19. Petty offense defined

As used in this title, the term “petty offense” means a Class B misdemeanor, a Class C misdemeanor, or an infraction, for which the maximum fine is no greater than the amount set forth for such an offense in section 3571(b)(6) or (7) in the case of an individual or section 3571(c)(6) or (7) in the case of an organization.

(Added Pub. L. 100-185, §4(a), Dec. 11, 1987, 101 Stat. 1279; amended Pub. L. 100-690, title VII, §7089(a), Nov. 18, 1988, 102 Stat. 4409.)

AMENDMENTS

1988—Pub. L. 100-690 inserted “, for which the maximum fine is no greater than the amount set forth for such an offense in section 3571(b)(6) or (7) in the case of an individual or section 3571(c)(6) or (7) in the case of an organization” after “infraction”.

§ 20. Financial institution defined

As used in this title, the term “financial institution” means—

(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);

(2) a credit union with accounts insured by the National Credit Union Share Insurance Fund;

(3) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system;

(4) a System institution of the Farm Credit System, as defined in section 5.35(3) of the Farm Credit Act of 1971;

(5) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

(6) a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act);

(7) a Federal Reserve bank or a member bank of the Federal Reserve System;

(8) an organization operating under section 25 or section 25(a)¹ of the Federal Reserve Act; or

(9) a branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978).

(Added Pub. L. 98-473, title II, §1107(a), Oct. 12, 1984, 98 Stat. 2145, §215(b); amended Pub. L. 99-370, §2, Aug. 4, 1986, 100 Stat. 779; renumbered §20 and amended Pub. L. 101-73, title IX,

§962(e)(1), (2), Aug. 9, 1989, 103 Stat. 503; Pub. L. 101-647, title XXV, §2597(a), Nov. 29, 1990, 104 Stat. 4908.)

REFERENCES IN TEXT

Section 3 of the Federal Deposit Insurance Act, referred to in pars. (1) and (6), is classified to section 1813 of Title 12, Banks and Banking.

Section 5.35(3) of the Farm Credit Act of 1971, referred to in par. (4), is classified to section 2271(3) of Title 12.

Section 25 of the Federal Reserve Act, referred to in par. (8), is classified to subchapter I (§601 et seq.) of chapter 6 of Title 12. Section 25(a) of the Federal Reserve Act, which is classified to subchapter II (§611 et seq.) of chapter 6 of Title 12, was renumbered section 25A of that act by Pub. L. 102-242, title I, §142(e)(2), Dec. 19, 1991, 105 Stat. 2281.

Section 1(b) of the International Banking Act of 1978, referred to in par. (9), is classified to section 3101 of Title 12.

PRIOR PROVISIONS

A prior section 20 was renumbered section 17 of this title.

AMENDMENTS

1990—Pars. (7) to (9). Pub. L. 101-647 added pars. (7) to (9).

1989—Pub. L. 101-73, §962(e)(1), (2)(A)–(C), redesignated subsec. (b) of section 215 of this title as this section, inserted section catchline, struck out subsec. (b) designation before “As used”, and substituted “used in this title” for “used in this section”.

Par. (1). Pub. L. 101-73, §962(e)(2)(D), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “a bank with deposits insured by the Federal Deposit Insurance Corporation;”.

Par. (2). Pub. L. 101-73, §962(e)(2)(E), (H), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;”.

Par. (3). Pub. L. 101-73, §962(e)(2)(H), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Par. (4). Pub. L. 101-73, §962(e)(2)(F), (H), redesignated par. (5) as (4) and amended it generally. Prior to amendment, par. (4) read as follows: “a Federal land bank, Federal intermediate credit bank, bank for cooperatives, production credit association, and Federal land bank association;”. Former par. (4) redesignated (3).

Par. (5). Pub. L. 101-73, §962(e)(2)(H), redesignated par. (6) as (5). Former par. (5) redesignated (4).

Pars. (6), (7). Pub. L. 101-73, §962(e)(2)(G), (H), redesignated par. (7) as (6) and amended it generally. Prior to amendment, par. (6) read as follows: “a bank holding company as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841); or”. Former par. (6) redesignated (5).

Par. (8). Pub. L. 101-73, §962(e)(2)(E), struck out par. (8) which read as follows: “a savings and loan holding company as defined in section 408 of the National Housing Act (12 U.S.C. 1730a).”

1986—Pub. L. 99-370 amended subsec. (b) [formerly §215(b)] generally expanding provisions formerly contained in subsec. (c) [former §215(c)] defining “financial institution”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 656, 984, 1005 of this title; title 12 sections 1785, 1829.

§ 21. Stolen or counterfeit nature of property for certain crimes defined

(a) Wherever in this title it is an element of an offense that—

(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

¹ See References in Text note below.

(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

(b) For purposes of this section, the term “official representation” means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.

(Added Pub. L. 103-322, title XXXII, §320910(a), Sept. 13, 1994, 108 Stat. 2127.)

§ 23.¹ Court of the United States defined

As used in this title, except where otherwise expressly provided² the term “court of the United States” includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands.

(Added Pub. L. 103-322, title XXXII, §320914(a), Sept. 13, 1994, 108 Stat. 2128.)

§ 24. Definitions relating to Federal health care offense

(a) As used in this title, the term “Federal health care offense” means a violation of, or a criminal conspiracy to violate—

(1) section 669, 1035, 1347, or 1518 of this title;

(2) section 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title, if the violation or conspiracy relates to a health care benefit program.

(b) As used in this title, the term “health care benefit program” means any public or private plan or contract, affecting commerce, under which any medical benefit, item, or service is provided to any individual, and includes any individual or entity who is providing a medical benefit, item, or service for which payment may be made under the plan or contract.

(Added Pub. L. 104-191, title II, §241(a), Aug. 21, 1996, 110 Stat. 2016.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 669, 1035 of this title.

CHAPTER 2—AIRCRAFT AND MOTOR VEHICLES

Sec.	
31.	Definitions.
32.	Destruction of aircraft or aircraft facilities.
33.	Destruction of motor vehicles or motor vehicle facilities.
34.	Penalty when death results.
35.	Imparting or conveying false information.
36.	Drive-by shooting.
37.	Violence at international airports.

AMENDMENTS

1994—Pub. L. 103-322, title VI, §§60008(c), 60021(b), Sept. 13, 1994, 108 Stat. 1972, 1980, added items 36 and 37.

¹ So in original. No section 22 has been enacted.

² So in original. Probably should be followed by a comma.

§ 31. Definitions

When used in this chapter the term—

“Aircraft engine”, “air navigation facility”, “appliance”, “civil aircraft”, “foreign air commerce”, “interstate air commerce”, “landing area”, “overseas air commerce”, “propeller”, “spare part” and “special aircraft jurisdiction of the United States” shall have the meaning ascribed to those terms in sections 40102(a) and 46501 of title 49.

“Motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo;

“Destructive substance” means any explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature;

“Used for commercial purposes” means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit;

“In flight” means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property on board; and

“In service” means any time from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight.

(Added July 14, 1956, ch. 595, §1, 70 Stat. 538; amended Pub. L. 98-473, title II, §§1010, 2013(a), Oct. 12, 1984, 98 Stat. 2141, 2187; Pub. L. 100-690, title VII, §7015, Nov. 18, 1988, 102 Stat. 4395; Pub. L. 103-272, §5(e)(1), July 5, 1994, 108 Stat. 1373.)

AMENDMENTS

1994—Pub. L. 103-272 substituted “sections 40102(a) and 46501 of title 49” for “the Federal Aviation Act of 1958, as amended” in par. beginning with definition of “Aircraft engine”.

1988—Pub. L. 100-690 substituted “door is opened” for “door in opened” in definition of “in flight”.

1984—Pub. L. 98-473, §2013(a)(1), in first par. struck out “and” before “spare part”, inserted “and ‘special aircraft jurisdiction of the United States’”, and substituted “Federal Aviation Act of 1958” for “Civil Aeronautics Act of 1938”.

Pub. L. 98-473, §1010, substituted “passengers and property, or property or cargo” for “or passengers and property” in definition of motor vehicle.

Pub. L. 98-473, §2013(a)(2)-(4), inserted definitions of “in flight” and “in service”.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 2015 of part B (§§2011-2015) of chapter XX of title II of Pub. L. 98-473 provided that: “This part [see Short Title of 1984 Amendment note below] shall become effective on the date of the enactment of this joint resolution [Oct. 12, 1984].”

SHORT TITLE OF 1984 AMENDMENT

Section 2011 of part B (§§2011-2015) of chapter XX of title II of Pub. L. 98-473 provided that: “This part